

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ACTUS, LLC,

Plaintiff,

VS.

Civil Action No: 2:09-cv-102

BANK OF AMERICA CORP.;
BLAZE MOBILE, INC.;
CAPITAL ONE FINANCIAL CORP.;
ENABLE HOLDINGS, INC.;
GOOGLE, INC.;
GREEN DOT CORP.;
JAVIEN DIGITAL PAYMENT
SOLUTIONS, INC.;
JPMORGAN CHASE & CO.;
MASTERCARD INTERNATIONAL, INC.;
META FINANCIAL GROUP, INC.;
M&T BANK CORP.;
OBOPAY, INC.;
SONIC SOLUTIONS;
VISA, INC.;
VIVENDI UNIVERSAL U.S. HOLDING
CO.;
VIVENDI UNIVERSAL, SA;
WAL-MART STORES, INC.;
THE WALT DISNEY CO.;
THE WESTERN UNION CO.;
WILDTANGENT, INC.;
AGILECO,

Defendants.

Jury

UNOPPOSED MOTION FOR WITHDRAWAL OF COUNSEL

Defendant, MasterCard International, Inc., (“MasterCard”), respectfully requests that N. Claire Abernathy be permitted to withdraw as counsel of record for MasterCard in this matter. The reason for this request is that Ms. Abernathy is no longer associated with the law firm

Capshaw DeRieux, LLP. No other changes are requested at this time regarding the other attorneys acting as MasterCard's counsel of record.

DATED: July 27, 2009

Respectfully submitted,

By: /s/ Elizabeth L. DeRieux

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Attorneys for Defendant,
MASTERCARD INTERNATIONAL, INC.

CERTIFICATE OF CONFERENCE

I certify that I have complied with the meet and confer requirement in Local Rule Cv-7(H) and this motion is unopposed.

/s/ Elizabeth L. DeRieux
Elizabeth L. DeRieux

CERTIFICATE OF SERVICE

I hereby certify that the following counsel of record who are deemed to have consented to electronic service are being served this 27th day of July, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux
Elizabeth L. DeRieux